



City of Sandpoint

CITY HALL
1123 Lake Street • Sandpoint, Idaho 83864

January 20, 2006

Marty E. Taylor, AICP
James A. Sewell & Associates
1205 Highway 2, Suite 101
Sandpoint, ID 83864

RE: PUD05 / S05-05 – Spring Creek

Dear Marty:

At their meeting on December 21, 2005, the Sandpoint City Council considered the above final Planned Unit Development and final subdivision to develop 41 lots on approximately 16 acres in the Residence "A" zone. The Council approved this request subject to the following conditions:

Planned Unit Development

1. Those conditions applied to subdivision application S05-05 shall also be applicable to this application.
2. This PUD approval allows a 5-foot building setback for Lots 1, 2, and 7 of Block 5, and Lot 10 of Block 4. If there is not a 25-foot setback, a fence is required on the western property line of Block 5, Lots 1 and 2, and the eastern property line of Block 5, Lot 7. The remaining exterior boundaries would meet the 25-foot boundary setback. The adjacent property owner, Mr. Campbell, shall be given a choice of fence or no fence along his northern border, which adjoins Spring Creek Way.
3. Any covenants (CC&Rs) or similar declarations, such as a homeowners' association agreement, shall include City requirements and note that those requirements cannot be changed without approval of the City. Such covenants shall be approved by the City. The CC&Rs must note the airport location and the airport noise.
4. The developer will properly execute a memorandum of understanding to be recorded at the developer's cost with the County Recorder. Such memorandum shall identify all of the documents, permits, relevant laws, and agreements that constitute or relate to the development currently identified as the Spring Creek Planned Unit Development (PUD 05-04).
5. A 6-foot tall sight-obscuring fence shall be constructed along Boyer Avenue.
6. Deeded access to the open space be required in one of properties south of Block 4, Lot 6 (as shown on the plat).

7. The open space shown on the plat shall be owned by the homeowners association and the east line of open space shall be delineated with a steel post approximately every 100 feet to mark the property boundary.

Subdivision

1. Approval of this subdivision in its current configuration is contingent upon the preliminary and final development plan approval of PUD05-04.
2. The developers shall publicly dedicate the 50-foot right of way with 10-foot utility easements on both sides of the right-of-way. The minimum street width is 32 feet.
3. The Streetscape Ordinance requires curb, gutter and sidewalk for all frontages of the development. Boyer Avenue will require 6-foot wide sidewalks, curbs and gutter, and the reconstruction of the road from centerline to the new curb and gutter. If Boyer Avenue right-of-way is less than 30 feet from centerline, additional dedication of right-of-way to equal 30 feet will be required. Driveways shall meet ADA cross slope and shared driveways are preferred. Wheelchair ramps at appropriate locations shall be required.
4. A minimum of one street tree shall be planted for each lot within the development. There shall be a minimum 3-foot wide planting strip.
5. A grading, encroachment, storm water management, and construction period erosion control permits are required. The developers shall provide storm water, construction period erosion control, and utility plans.
6. A lighting plan is required; if decorative lighting is installed, contact the Public Works Department.
7. Water and sewer plans shall be designed by an Idaho licensed professional engineer and the sewer and water collection systems will need to be approved by the City and the State of Idaho Division of Environmental Quality prior to construction. Fees for review and inspection of water and sewer extensions must be paid prior to a review of the water and sewer plans.
8. GPS coordinates meeting the requirements of the City of Sandpoint will be required for sewer and storm manholes, fire hydrants, valves, signs, and lift stations.
9. Two survey monuments meeting City requirements will be required within the subdivision (one shall be on Boyer Avenue).
10. Addressing for each dwelling constructed within the development shall comply with City Code and shall be posted to be visible from the street for Public Safety agencies. New owners will be provided with relevant City Code sections regarding animal control, parking, etc.
11. All regulatory and directional signing and mounting material meeting the requirements of the City shall be provided and installed by the developer.
12. International Fire Code standards shall be followed: hydrants will need to be spaced no greater than 500 hundred feet apart with a maximum travel distance to a hydrant from any point on a

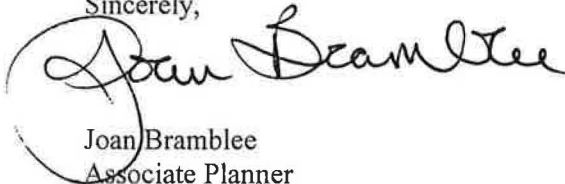
street of 250 feet; hydrant fire flow requirements are 1,500 G.P.M. with two-hour flow duration; streets must be built to City load standards; street must have an unobstructed ingress/egress of 26 feet; cul-de-sacs will have a minimum of 41-foot radius to the inside of the finished curb.

13. The Applicant shall provide for continued maintenance of the common areas. Such provisions may be set forth in the covenants, or such other maintenance agreement that is included in the memorandum of understanding for the planned unit development.
14. The plat documents shall identify that the subdivision is in proximity to the Sandpoint Airport runway and that any development on the lots within this subdivision must conform to the provisions of the City of Sandpoint's Airport Overlay District.
15. The Applicant shall include a statement providing notice of the adjoining airport use, the proximate location of the runway, the fact that airport uses generate substantial noise, and that use of the Airport is expected to increase on the face of the plat and in any sale agreement for the lots.

The Council adopted the Planning Commission's finding for this project that it is in keeping with the Comprehensive Plan, and it meets the planned unit development and subdivision requirements subject to the above conditions.

If you require any additional information or have questions regarding the content of this letter, please contact the City of Sandpoint Planning Department at 263-3370.

Sincerely,



Joan Bramblee
Associate Planner

- c: Public Works Department
Larry & June Toppenberg, Don and Joyce Tinseth, and
Dale and Wanda Micetic
Rosemary Black

Project Representative Information

Business Name: James A. Sewell & Associates
Planner: Martin E. Taylor, AICP
Address: 30336 Highway 200, Suite C, Ponderay, Idaho 83852
Phone: (208)263-4160 Fax: (208)263-5229

Project Information

Proposed Development Name: Spring Creek

Legal Description of Site: Addition N/A Block N/A Lots N/A

The properties are known as RP S00000101200, -1790, -1651 and -1735 (see Warranty Deeds 672978, 672474 and 677669, attached).

Range 2 West Section 10 Township 57 North Total Size of Parcel ±16 acres (assessed)

Number of Lots: Existing 3 parcels Proposed 41 lots

Smallest Proposed Lot Size: ±4,539 sq. ft. Largest Proposed Lot Size: ±25,897 sq. ft.

Current Zoning: ☒ A ☐ B ☐ C ☐ D ☐ PO ☐ ER ☐ CN ☐ RR#1 ☐ RR#2 ☐ T

Comprehensive Plan Designation: ☐ Rural ☒ Low Density Residential ☐ Medium Density Res.
☐ Business ☐ Industrial ☐ Parks ☐ Airport ☐ Public Facilities

What zones border the project site?

North: Residence A East: Residence A South: Residence A West: Light Industrial (across Boyer)

Utility Information

Power will be provided by:

- ☒ Avista Utilities
☐ Northern Lights Inc.

Sewage disposal will be provided by:

- ☒ Existing community system
☐ Individual system

Water will be supplied by:

- ☒ Existing public or community system ☐ Individual Well

Site Information

Provide detailed descriptions on the following:

1. Topography (lay of land), including estimated maximum slope, rock outcroppings, benches, etc.: The areas proposed for single family residential development are predominantly flat, sloping to the east toward Sand Creek at about 2 percent. A break in slope occurs within Block 4. A level bench occurs within Block 4 between the mapped west "top of slope" and the mapped east "edge of buildable area." This site feature lends itself to possible daylight

- basement-style homes (see preliminary development plan and preliminary plat).
2. Water courses (springs, streams, rivers, etc.): Though the property does not contain any streams or springs, the proposed open space does drain toward Sand Creek located about 300 to 400 feet east of the subject site.
 3. Existing structures (size & use): The property is developed with one residence (proposed Lot 1, Block 4) and one outbuilding, to be removed (Lot 2, Block 4).
 4. Land cover (timber, pasture, etc.): The site is vegetated with mixed evergreens, alder, native shrubs and grasses.
 5. Other pertinent information: Please refer to the narrative, below.

Narrative

Project Description

The applicants are requesting preliminary planned unit development and preliminary plat approval for a 41 lot, 5 block residential community and subdivision consisting of lots ranging between about 4,539 square feet and 25,897 square feet. Each lot is proposed for single family residential development. About 4 acres, or roughly 27 percent of the total acreage, is to be dedicated to the lot owners as open space.

Access

The project directly fronts on, and directly accesses, Boyer Avenue (see preliminary development plan and preliminary plat). Rights of way are proposed at 50 feet in width, and will be developed with city standard roads, to include curbs, gutters and sidewalks. The proposed approach locations were reviewed and approved by Sandpoint Public Works Director Kody Van Dyk March 10, 2005. All approaches will likewise be constructed to city standards.

Sewage Disposal

Sewage disposal will be provided by the City of Sandpoint. Prior to construction, engineered plans and specifications will be submitted to Sandpoint Public Works and the Idaho Department of Environmental Quality for review and approval. Sewer capacity and connection availability have been confirmed by Sandpoint Public Works. All sewer lines and appurtenant improvements will be dedicated to the city.

Water Supplies

Water connections will be provided by the City of Sandpoint. Prior to construction, engineered plans and specifications will be submitted to Sandpoint Public Works and the Idaho Department of Environmental Quality for review and approval. Water capacity and connection availability have been confirmed by Sandpoint Public Works.

Storm Water Management and Erosion Control

Storm water will be managed and erosion controlled consistent with a drainage plan prepared pursuant to Sandpoint City Code, Title 11, Chapter 3. Prior to construction, engineered plans and specifications will be submitted to Sandpoint Public Works for review and approval. These plans and specifications, and all necessary construction, will occur prior to final plat approval..

Wetlands

There are no mapped wetlands associated with the project (USFWS, *Sandpoint Quad*).

Comprehensive Plan Compatibility

The comprehensive plan classifies the subject property as "low density residential." According to the plan, this designation is appropriate for residential areas within the city limits and in some cases within the area of city impact. The subject property is located within the corporate city limits. This designation recognizes land not suitable for intense urban development, such as Residence C zoning. Proposed densities average two units per acre, below the four units per acre afforded by Residence A standards. Proposed densities average two units per acre. Activities related to low density single family living is encourage. Only single family residences are proposed.

Public Interest Statement

In the applicants' opinion, developing the site as a lower density, planned residential community is in the public's interest. Housing is clustered and open space is retained.

Planned Unit Development Compliance

SCC, §9-8-1, "PURPOSE," Paragraphs A through E

- A. The project includes "clustering" homes on the upland portion of the property, thereby retaining maximum contiguous open space around the east boundary of the site. Ten feet front setbacks and 15 feet rear yard setbacks are proposed for residences, with the exception of Block 5 which will retain an exterior boundary, 25 feet rear yard setback (SCC, §§9-3-1B1, 9-3-1B3 and 9-8-4B). However, twenty feet front yard setbacks will be retained on all lots for garages, thereby assuring that functional off-street parking exists on each lot. Five feet setbacks are proposed from all side yards, with the exception of the ten lots adjacent to Boyer Avenue, in which case 25 feet setbacks will be maintained (SCC, §9-3-1B2a). Please refer to the accompanying preliminary development plan and preliminary plat depicting building envelopes.
- B. The project provides for a more useful pattern of open space retention by leaving the open space intact, and by clustering the residences on the upland portion of the premises.
- C. The proposal utilizes a development pattern that preserves the majority of slope features and natural drainage patterns.
- D. By clustering housing blocks on suitable upland terrain, avoiding excessive slopes, and retaining open space, a more efficient use of the site is achieved than is generally available through conventional Residence A, 10,000 square feet minimum lot sizes (SCC, §9-3-1B4).
- E. The development as proposed is less dense than provided by zoning. The Residence A district, after excluding rights of way 60 feet in width (typical), theoretically permits 49 lots. The project includes 41 lots.

SCC, §9-8-3, "MINIMUM AREA," Paragraph A

- A. Two acres minimum are required for a residential planned unit development. The subject property contains ±16 acres.

SCC, §9-8-4, "PERFORMANCE STANDARDS," Paragraphs A through C

- A. The proposal is similar to the recently approved Cottonwood Glen planned development located south of the subject property.
- B. A 25 feet building setback from exterior property boundaries will be maintained, with the exception of Lots 1, 2 and 7 Block 5, and Lot 10, Block 4, where a 5 feet side yard setback will be maintained. The north boundary of Lot 1, Moe's Acres; the west boundary of Lots 1 and 2, Block 5, less the south 17.5 feet of said Lot 2; the east boundary of Lot 7, Block 5, less the south 17.5 feet of said Lot 7; the south boundary of Lot 10, Block 4; and the west boundary of the project, less proposed rights of way, will be fenced with a 6 feet high, site obscuring fence constructed of vinyl or treated lumber (see Spring Creek Final Development Plan and Preliminary Plat).
- C. All parking and driveways will be at minimum 10 feet from the PUD and plat boundaries.

SCC, §9-8-5, "USES PERMITTED," Paragraphs A through D

- A. Proposed and approved uses are residential.
- B. Planned residential uses comprise the entire PUD. No commercial or public land uses are proposed.
- C. The site has access to Boyer Avenue.
- D. No commercial or recreational uses are proposed, with the exception of non-motorized, pedestrian common area usage.

SCC, §9-8-6, "OWNERSHIP REQUIREMENTS"

The subject property is owned by Larry and June Toppenberg, Don and Joyce Tinseth and Dale and Wanda Micetic, and Rosemary Black.

SCC, §9-8-7, "COMMON OPEN SPACE"

About 4 acres, or roughly 27 percent of the ±16 acre property will be reserved as naturally vegetated open space. This acreage will be dedicated to the homeowners' association on the final plat. Accordingly, maintenance responsibility of the open space will be that of the homeowners. Eleven of the proposed lots abut green space. The remaining 30 lots access the proposed open space at the north cul-de-sac and via a 10 feet wide pedestrian corridor located between Lots 6 and 7, Block 7 (see Spring Creek Final Development Plan and Preliminary Plat). Clustering is proposed within the upland portion of the property.

SCC, §9-8-8, Paragraphs A through E, "UTILITY REQUIREMENTS"

The project will be served by fire hydrants. Pedestrian access to the dedicated open space is proposed. Storm drainage is proposed. Utilities will be underground, with above ground appurtenances (junction huts and transformers, for example).

SCC, §9-8-9, "INCREASED RESIDENTIAL DENSITY," Paragraphs A through C

- A, B and C. An increase in residential density is not proposed. As noted, the Residence A district, after excluding rights of way 60 feet in width, theoretically permits 49 lots on the subject acreage. The project includes 41 lots.

SCC, §9-8-10, "ARRANGEMENT OF NEIGHBORING COMMERCIAL AND RECREATIONAL USES"

Neighborhood commercial and recreational uses are not proposed.

SCC, §9-8-11, "APPROVAL PROCEDURE," Paragraph F, Items 1 through 8

1. A final development plan and preliminary plat is attached.
2. The final development plan includes all the information specified on the preliminary plan.
3. The schedule for development anticipates subdivision infrastructure installation and final platting in 2006. The size of each lot has been tabulated and is depicted on the preliminary plat. Forty-one housing units are proposed. It is anticipated that all occupants will be resident. (This project does not include recreational housing, such as housing associated with perhaps a golf or ski resort.) Height limits are as set forth in the Residence A District. Open space is depicted on the development plan. Two on-site (off street) parking spaces per residence is proposed. It is estimated that two to four people will occupy each proposed residence, for a projected total of 82 to 164 residents. Public improvements associated with the project include city standard roads, municipal water and sewer services, phone and power utilities.
4. Road, sewer, water and storm water plans will accompany the final plat.
5. The development plan depicts individual lot building envelopes ("functional use areas") and road patterns.
6. Homes will consist of conventional single family residences, both single and two story.
7. Landscaping will include turf, ornamental shrubs and indigenous trees (spruce, pine, fir, cedar, aspen, etc.) as determined by individual lot ownership. Designated open space will remain naturally vegetated.
8. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained will accompany the final plat.

[See attached signature pages accompanying the preliminary PUD and plat applications.]

Based on evidence, records, and testimony, the reasons for approving this request are:

1. Staff has followed the notice procedures applicable to variances contained in *Idaho Code* 67-6516 and *Sandpoint City Code* Title 9, Chapter 9.
2. Based on information presented at the hearing and the placement of limitations through conditions, the application by Jeff Hawley (VAR05-03) for a variance is in compliance with the four criteria for variances as outlined in *Sandpoint City Code* §9-9-6B.3.c(5).
3. The requested variance is in keeping with the goals and policies of the City's Comprehensive Plan.

With the following additions: the applicant must pay double the normal permit fee for this variance.

The **motion passed** 4 to 2; Commissioners O'Hara and Monahan voted in opposition.

PUBLIC HEARING:

PUD05-04 / S05-05 - A request by **Larry & June Toppenberg, Don & Joyce Tinseth, and Dale & Wanda Micetic** for Planned Unit Development and preliminary subdivision approval to develop 41 lots on approximately 16 acres in the Residence "A" zone. The site is east of the Sandpoint Airport on the east side of Boyer Avenue and is located in the SW 1/4 of the NE 1/4 in Section 10, Township 57, Range 2 W.B.M.

Mrs. Bramblee gave the staff report. Through the Planned Unit Development code, the Applicants are proposing variations in lot size requirements and changes in setback requirements, but not increased density over that allowed by Residence "A" zoning. The Applicants are requesting a 10-foot front setback for the residence and 20-foot setback for garage structures. PUD codes require a 25-foot setback from the outer boundaries. On Lots 1, 2, and 7 of Block 5, and Lot 10 of Block 4, the Applicants are seeking a 5-foot setback along the boundaries instead of the required 25-foot setback. There is also an access issue. Currently, there is no access to property on the west side of Sand Creek. The neighboring property owners are asking that access be provided to their property, or a fence required with the PUD approval. There is a liability issue if kids wander down to the creek and suffer injury. The Applicants do not support a fence in that location; they feel it would block homeowners' views and impede wildlife movement. They suggest posting signs on the eastern boundary of the PUD to indicate the boundary of the PUD open space.

Chairman O'Hara questioned how many parcels are without access to the east of this property. Mrs. Bramblee indicated there are three parcels.